

## REMARKS

The *Advisory Action* of August 18, 2009 was received and carefully reviewed. Claims 1-29 remain pending in the application.

In the Office Action, claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated Maekawa et al. (US 7,365,805). As noted in the *Request for Reconsideration* filed July 21, 2009, the subject U.S. application, which was filed on January 24, 2009 as an International application No. PCT/JP2005/001286, has two priority documents JP-2004-017583 and JP-2004-017608, and both priority dates for each of the document are January 26, 2004. On the other hand, Maekawa was filed on January 21, 2005, which is earlier than the U.S. filing date of the subject application, but later than the filing dates of the Japanese priority documents. In view thereof, Applicants respectfully request that Maekawa be removed as a reference based on the priority claim available Applicants in the present application.

Applicants submit herewith verified English translations of the priority documents to perfect foreign priority and overcome the rejection by removal of Maekawa as a reference.

## CONCLUSION

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. If, however, the Examiner deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned attorney to expedite the prosecution and engage in a joint effort to work out a mutually satisfactory solution.

**Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 19-2380.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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